

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
INTEGRATED COMMUNICATIONS &)	
TECHNOLOGIES, INC. et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 16-10386-LTS
)	
HEWLETT-PACKARD FINANCIAL)	
SERVICES COMPANY et al.,)	
)	
Defendants.)	
_____)	

SCHEDULING ORDER

March 10, 2020

SOROKIN, J.

Other than depositions and examinations of certain Plaintiffs, fact discovery in this case has concluded. Plaintiffs intend to take ten fact depositions. See Doc. No. 308 at 14-15.¹ Defendants do not object to the number of depositions or to the deponents Plaintiffs have identified. Defendants may object to specific questions or Rule 30(b)(6) topics. For their part, Defendants request leave to take 20 depositions. Id. at 15. Plaintiffs advance no objection to Defendants' taking thirteen depositions or to the depositions of thirteen of the persons Defendants have identified as fact witnesses.² As to the remaining depositions identified in the status report, the Court will resolve whether to permit Defendants to take any of those other depositions at a later time. Plaintiffs reserve the same objections as do Defendants regarding the depositions.

¹ Citations to "Doc. No. ____" reference documents appearing on the court's electronic docketing system; pincites are to the page numbers in the ECF header.

² The specific persons were discussed at the status conference on March 10, 2020.

After lengthy and careful discussion, counsel for both sides unequivocally instructed the Court that three months from the date of the Court's ruling on the parties' anticipated summary judgment motion(s) constitutes a reasonable period of time for completing the 23 depositions noted above. The specific assurances of both parties' counsel after repeated inquiry by the Court induces the Court to establish a three-month schedule for depositions.³

That said, within 14 days of this Order, the parties shall file a joint status report and shall show cause why the Court should not sever the fact depositions, examinations, and trial as to the Family Plaintiffs (as that term is used in the operative Complaint, see Doc. No. 101 ¶ 14), and proceed with the depositions, examinations and trial only as to the claims brought by Plaintiffs ICT, Styller, and the three Individual Plaintiffs (as that term is used in the operative Complaint, see id. ¶ 6). In the event the Court does sever trial as outlined, it anticipates that depositions of the Family Plaintiffs will be completed within 60 days after a verdict in Plaintiffs' favor, and that their trial shall commence 30 days thereafter. Alternatively, in the event the jury returns a verdict in Defendants' favor, the claims of the Family Plaintiffs, which are derivative of the claims of Plaintiffs ICT, Styller, and the three Individual Plaintiffs, would be dismissed.

The Court establishes the following schedule based on its expectation that it will resolve the anticipated summary judgment and related motions in a reasonable period of time, thereby permitting trial to commence on May 3, 2021. The dates are calculated from the day the Court issues its ruling on the parties' anticipated summary judgment and related motions.

³ The effect, if any, the coronavirus may have on the parties' ability to comply with this schedule was not part of the Court's calculation or that of the parties.

14 days after the Court issues its ruling	The parties shall submit a joint status report addressing whether Defendants continue to press for leave to conduct the remaining 7 depositions and whether Plaintiffs continue to object to these additional objections and their grounds therefor, and presenting a proposed schedule for resolution of this issue.
3 months after the Court issues its ruling	The parties shall complete all fact depositions, and Defendants shall disclose the results of any examinations they have conducted of any of the Individual Plaintiffs.
4 months after the Court issues its ruling	Plaintiffs shall disclose the reports of their damages expert(s).
5 months after the Court issues its ruling	Defendants shall disclose the reports of their damages expert(s).
6 months after the Court issues its ruling	The parties shall have completed their depositions of all damages experts.

Trial shall commence on May 3, 2021 at 9:00 am.

SO ORDERED.

/s/ Leo T. Sorokin
 Leo T. Sorokin
 United States District Judge